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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,055	07/21/2003	Anand Huprikar	12168	5934
28484	7590	07/14/2004	EXAMINER	
BASF CORPORATION LEGAL DEPARTMENT 1609 BIDDLE AVENUE WYANDOTTE, MI 48192			WILLIAMS, THOMAS J	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,055

Applicant(s)

HUPRIKAR, ANAND

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/21/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 7, 9, 10, 20-22, 25, 26, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,286,777 to Brown.

Re-claims 1, 2, 20 and 21, Brown discloses a mount comprising: a support structure 14 having an aperture, the support is mounted to a vehicle frame; a carrier (interpreted as either element 24 and or element 26); an insulator 32/34; the insulator has a first portion 32 that defines a first resistance and a second portion 34 that defines a second resistance, the second resistance is greater than the first resistance (see column 3 lines 21-25); the first portion is partially compressed before the second portion is compressed.

Re-claims 3 and 22, the first and second parts are formed of the same material, column 2 lines 65-67.

Re-claims 6, 7, 9, 10, 25, 26, 28 and 29, the maximum width of the second portion is greater than the maximum width of the first portion, the second portion defines a ledge; a height of the first portion is greater than a height of the second portion; the first portion has an annular configuration that defines a first circumference; the second portion has an annular configuration that defines an annular ledge having a circumference greater than the circumference of the first portion.

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3. Claims 1-4, 6, 7, 9-11, 20-23, 25, 26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,017,073 to Lindblom et al.

Re-claims 1, 2, 20 and 21, Lindblom et al. discloses in figure 1 a mount comprising: a support structure 3 having an aperture 7, the support is mounted to a vehicle frame, see column 1 line 15; a carrier (interpreted as either element 12 and or element 16); an insulator 4; the insulator has a first portion that defines a first resistance and a second portion 22 that defines a second resistance, the second resistance is greater than the first resistance (column 3 lines 14-16); the first portion is partially compressed before the second portion is compressed.

Re-claims 3 and 22, the first and second parts are formed of the same material, column 2 lines 65-67.

Re-claims 4, 11, 23 and 30, the first and second portions are formed of a common homogeneous material (see column 3 lines 18-20); the second portion forms a ledge.

Re-claims 6, 7, 9, 10, 25, 26, 28 and 29, the maximum width of the second portion is greater than the maximum width of the first portion, the second portion defines a ledge; a height of the first portion is greater than a height of the second portion; the first portion has an annular configuration that defines a first circumference; the second portion has an annular configuration that defines an annular ledge having a circumference greater than the circumference of the first portion.

4. Claims 1-4, 6, 7, 9-11, 20-23, 25, 26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 61-45124 to Yamashita.

Re-claims 1, 2, 20 and 21, Yamashita discloses a mount comprising: a support structure 15 having an aperture, the support is mounted to a vehicle frame, see abstract; a carrier 20 (or

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plate element illustrated in figure 3); an insulator 11; the insulator has a first portion that defines a first resistance and a second portion that defines a second resistance, the second resistance is greater than the first resistance (see figure 3, compression of the second portion will require a greater application force); the first portion is partially compressed before the second portion is compressed.

Re-claims 3 and 22, the first and second parts are formed of the same material.

Re-claims 4, 11, 23 and 30, the first and second portions are formed of a common homogeneous material; the second portion forms a ledge.

Re-claims 6, 7, 9, 10, 25, 26, 28 and 29, the maximum width of the second portion is greater than the maximum width of the first portion, the second portion defines a ledge; a height of the first portion is greater than a height of the second portion; the first portion has an annular configuration that defines a first circumference; the second portion has an annular configuration that defines an annular ledge having a circumference greater than the circumference of the first portion.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita.

Re-claim 12, Yamashita teaches a carrier element utilized in the embodiment of figure 1 shaped as a cup that surrounds the first portion. It would have been obvious to one of ordinary

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skill in the art to have utilized the carrier element taught in figure 1 of Yamashita in the mount of figure 3 of Yamashita, thus preventing lateral movement of the insulator relative to the mount.

The carrier would have surrounded the first portion without compressing the second portion.

Re-claim 13-19, the cup includes a flange; an inner wall 19; the wall extends through the aperture; a plate 12 mounted at a distal end of the inner wall; a fastener 17 interconnects the plate 12 to the inner wall 19; a second insulator disposed between the support structure 15 and the plate 12.

7. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita or Brown or Lindblom in view of US 5,743,547 to Voss et al.

Re-claims 5 and 24, Yamashita or Brown or Lindblom et al. fail to teach the insulator formed from a micro-cellular polyurethane. Voss et al. teach the increasing use of micro-cellular polyurethane when forming elastomeric springs or insulators. Voss et al. teaches that this material has high energy storage per weight, see column 7 lines 21-23. It would have been obvious to one of ordinary skill in the art to have manufactured the insulator of either Yamashita, Brown, or Lindblom et al. from a micro-cellular polyurethane as taught by Voss et al, thus providing the mount with a light weight yet efficient spring element.

8. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita or Brown or Lindblom et al.

Re-claims 8 and 27, Yamashita or Brown or Lindblom et al. fail to specify the height of the first portion relative to the second portion, and that the height of the first portion is at least 3 times larger than the height of the second portion. The courts have ruled that changes in shape or configuration are obvious absent persuasive evidence, see *In re Dailey*, 357 F.2d 669, 149 USPQ

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47 (CCPA 1966). It would have been obvious to one of ordinary skill in the art as a matter of design choice to have chosen a height difference between the first portion and the second portion to be at least a multiple of three (3) in the devices of Yamashita or Brown or Lindblom et al., thus providing a mount with variable compression rates.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunter and Ziolkowski et al. disclose a mount having a first and second compression portions. Wolf et al. discloses a mount having a cup shaped carrier.

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

July 6, 2004

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams

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7-6-04